

# SENATE JOURNAL

**EIGHTY-SEVENTH LEGISLATURE — REGULAR SESSION**

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**AUSTIN, TEXAS**

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**PROCEEDINGS**

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**FORTY-FOURTH DAY**

(Saturday, May 22, 2021)

The Senate met at 1:05 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Alvarado, Bettencourt, Birdwell, Blanco, Buckingham, Campbell, Creighton, Eckhardt, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Schwertner, Seliger, Springer, Taylor, West, Whitmire, Zaffirini.

The President announced that a quorum of the Senate was present.

Senator Lucio offered the invocation as follows:

Lord our God, You have revealed Your righteousness to us in the gospel, Your righteousness that comes to us through faith and continues in faith. Grant that we may understand Your righteousness and live by it even in the worst of our generation. Then to our joy, the gospel will bear fruit, protect us in the midst of temptation and conflicting opinion so that we are raised above them and remain free with our thoughts on You and Your true and loving righteousness. Your righteousness gives us hope for the many, many people who still need help to realize that their lives are not of passing value but of eternal worth. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

## **INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED**

The President announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

## **CONCLUSION OF MORNING CALL**

The President at 1:08 a.m. announced the conclusion of morning call.

**HOUSE BILL 1128 ON THIRD READING**

Senator Kolkhorst moved to suspend the regular order of business to take up for consideration **HB 1128** at this time on its third reading and final passage:

**HB 1128**, Relating to persons permitted to be in a polling place or a place where ballots are being counted.

The motion prevailed by the following vote: Yeas 22, Nays 9.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Hinojosa, Huffman, Hughes, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor, West.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Johnson, Miles, Powell, Whitmire, Zaffirini.

The bill was read third time and was passed by the following vote: Yeas 22, Nays 9. (Same as previous roll call)

**HOUSE BILL 1788 ON THIRD READING**

Senator Hughes moved to suspend the regular order of business to take up for consideration **HB 1788** at this time on its third reading and final passage:

**HB 1788**, Relating to immunity from liability of public and private schools and security personnel employed by those schools for certain actions of security personnel.

The motion prevailed by the following vote: Yeas 18, Nays 13.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

The bill was read third time and was passed by the following vote: Yeas 18, Nays 13. (Same as previous roll call)

**HOUSE BILL 957 ON THIRD READING**

Senator Springer moved to suspend the regular order of business to take up for consideration **HB 957** at this time on its third reading and final passage:

**HB 957**, Relating to local, state, and federal regulation of firearm suppressors.

The motion prevailed by the following vote: Yeas 18, Nays 13.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

The bill was read third time and was passed by the following vote: Yeas 18, Nays 13. (Same as previous roll call)

**HOUSE BILL 4346 ON THIRD READING**

Senator Springer moved to suspend the regular order of business to take up for consideration **HB 4346** at this time on its third reading and final passage:

**HB 4346**, Relating to the possession, carrying, or transportation of a firearm or alcoholic beverage by certain persons during the use of an easement.

The motion prevailed by the following vote: Yeas 22, Nays 9.

Yeas: Bettencourt, Birdwell, Blanco, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Schwertner, Seliger, Springer, Taylor, Zaffirini.

Nays: Alvarado, Eckhardt, Gutierrez, Hinojosa, Johnson, Perry, Powell, West, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 22, Nays 9. (Same as previous roll call)

**HOUSE BILL 3924 ON THIRD READING**

Senator Springer moved to suspend the regular order of business to take up for consideration **HB 3924** at this time on its third reading and final passage:

**HB 3924**, Relating to health benefits offered by certain nonprofit agricultural organizations.

The motion prevailed by the following vote: Yeas 19, Nays 12.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Lucio, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

The bill was read third time.

Senator Taylor offered the following amendment to the bill:

**Floor Amendment No. 1 on Third Reading**

Amend **HB 3924** (senate committee printing) on third reading as follows:

- (1) Strike SECTION 3 of the bill (page 3, line 4).
- (2) Add the following appropriately numbered SECTIONS to the bill and renumber SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 2210.102, Insurance Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Notwithstanding any other provision of this section, a member or employee of a nonprofit agricultural organization, as defined by Section 1682.001, does not qualify for consideration to serve on the board of directors or a subcommittee created by the board of directors.

SECTION \_\_\_\_\_. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2021.

(b) Section 2210.102(a-1), Insurance Code, as added by this Act, takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, Section 2210.102(a-1), Insurance Code, as added by this Act, takes effect September 1, 2021.

The amendment to **HB 3924** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 on Third Reading.

**HB 3924** as amended was finally passed by the following vote: Yeas 19, Nays 12.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Lucio, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

### **COMMITTEE SUBSTITUTE HOUSE BILL 3979 ON THIRD READING**

Senator Hughes, on behalf of Senator Creighton, moved to suspend the regular order of business to take up for consideration **CSHB 3979** at this time on its third reading and final passage:

**CSHB 3979**, Relating to the social studies curriculum in public schools.

The motion prevailed by the following vote: Yeas 18, Nays 13.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

The bill was read third time and was passed by the following vote: Yeas 18, Nays 13. (Same as previous roll call)

### **SENATE RULES SUSPENDED (Posting Rules)**

On motion of Senator Huffman and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Jurisprudence might meet in Room E1.016 at 11:30 a.m. today.

### **SENATE RULES SUSPENDED (Posting Rules)**

On motion of Senator Taylor and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Education might meet and consider the following bills today:

**HB 2256, HB 2554, HB 3400, HB 4124, HB 4465, HB 4509, HB 4545.**

**SENATE RULES SUSPENDED**  
**(Posting Rules)**

On motion of Senator Kolkhorst and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Health and Human Services might meet at 9:45 a.m. today in the Senate Press Room, 2E.9.

**RECESS**

On motion of Senator Whitmire and by unanimous consent, the Senate at 2:06 a.m. recessed until 12:00 p.m. today, pending the receipt of committee reports.

